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**FACSIMILE**

**TOTAL PAGES INCLUDING COVER SHEET: 3**

January 12, 2007

**TO: Commissioner for Patents  
USPTO**

**LOCATION: Alexandria, Virginia**

**FAX: 571-273-8300**

**RE: S/N 10/726,627; Filed: December 4, 2003  
Inventors: Gamard et al.  
Title: PORTABLE GAS OPERATING INHALER  
Attorney Ref.:21367  
Examiner: K.C. Lewis**

**Please see attached Response to Restriction  
Requirement.**

**Robert J. Hampsch**

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U.S. Serial No. 10/726,627

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Attorney Docket No. 21367

JAN 12 2007

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re Patent Application of:  
Gamard et al

Group Art Unit: 3772

Application No.: 10/726,627

Filed: December 4, 2003

Title: PORTABLE GAS OPERATING  
INHALER

Examiner: K. C. Lewis

**RESPONSE TO RESTRICTION REQUIREMENT**Via Fax - (571) 273-8300  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In complete response to the Official Action issued December 13, 2006, Applicants respectfully elect, with traverse, the invention of Group III drawn to a method of inducing a drug from an inhaler into a spacer.

M.P.E.P. §803 states that an application may be properly restricted to one or more claimed inventions only if (1) the inventions are independent or distinct as claimed, and (2) there is a serious burden on the Examiner if restriction is not required. Thus, even if appropriate reasons exist for requiring restriction, such a requirement should not be made unless there is an undue burden on the Examiner to examine all the claims in a single application.

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (571) 273-8300 on January 12, 2007.

Typed or printed name of person signing this certificate  
*Margaret Handy*Signature: *Margaret Handy*

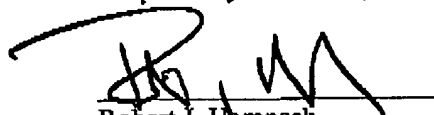
U.S. Serial No. 10/726,627

Attorney Docket No. 21367

Although the Examiner has alleged different sub-classifications for the inventions for Groups I, II and III, it would seem that search and examination involved for all three groups of inventions would substantially overlap. Because of the apparent overlapping examinations, a serious burden would not be imposed on the Examiner to examine all of the claims in a single application, and restriction is improper.

If there are any questions concerning this paper, or the application in general, the Examiner is invited to telephone the undersigned at her earliest convenience.

Respectfully submitted,



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Date: January 12, 2007